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09/633,767	08/07/2000	Douglas Dykeman	CH919990018US1	3707
54856	7590	06/13/2008		
LOUIS PAUL HERZBERG 3 CLOVERDALE LANE MONSEY, NY 10952			EXAMINER HO, DUC CHI	
			ART UNIT	PAPER NUMBER
			2619	
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			06/13/2008 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/633,767

**Applicant(s)**

DYKEMAN ET AL.

**Examiner**

Duc C. Ho

**Art Unit**

2619

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-12, 14-21, 23-25 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 14-18, 27-31 is/are rejected.
- 7) ☒ Claim(s) 6-8, 10-12, 19-21 and 23-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notices of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Allowable Subject Matter***

1. The indicated allowability of claims 1-5, 30-31, 14-18, and 27-29 are withdrawn in view of the newly discovered reference(s) to the APA. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 30-31, 14-18, and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by the admitted prior art in figures 1-2, pages 1-3, of the instant application, hereinafter referred to as the APA.

Regarding claim 1, the APA discloses an alternate routing for a PNNI hierarchical network.

*examining possible routes closest to the destination node* (the APA discloses possible routes to deliver a call from a source node A1 to a destination node D2, see page 2, lines 11-17, and page 3, lines 21-25);

*selecting at least one non-sole-access element of a particular route used by the failed connection in said network structure* (the node A3 is inherently selected as a non-

sole-access element in the failed connection in the network structure of figure 2, see page 2, line 7 to page 3, line27);

*identifying an alternative route for the failed connection in said network structure which utilizes said at least one non-sole-access element* (the alternate route utilizes the non-sole-access element is illustrated in page 3, lines 22-24); *and*

*using the alternative route for establishment of the failed connection between said source and destination nodes* (the alternate route is used for establishing a call between the source A1 and the destination node D2, see page 3, lines 19-27).

Regarding claim 2, the alternate route A1, A3, B2, C3, C2, D1, and D2, see page 3, lines 20-21 has the sufficient bandwidth to support the call, which the failed connection fails to meet.

Regarding claim 3, in the APA one element, i.e. B1 is a link of the network structure in fig.1.

Regarding claim 4, the alternate route A1, A3, B2, C3, C2, D1, and D2, see page 3, lines 20-21, represents all non-sole-access links of the route used by the failed connection which are outside the PNNI peer group of the source node.

Regarding claim 5, the alternate route A1, A3, B2, C3, C2, D1, and D2, see page 3, lines 20-21, represents all non-sole-access links of the route used by the failed connection which are outside the PNNI peer group of the source node, which is closest one between the source and the destination nodes.

Regarding claim 14, this claim has similar limitations as claim 1. Therefore, it is rejected under the APA for the same reasons set forth in the rejection of claim 1. The switch at the source node A1-fig.1 inherently includes memory for storing topology data, and control logic configured to respond to a failed connection between a source and a destination node.

Regarding claims 15-18, these claims have similar limitations as claims 2-5. Therefore, they are rejected under the APA for the same reasons set forth in the rejection of claims 2-5, respectively.

Regarding claim 27, this claim has similar limitations as claim 14. Therefore, it is rejected under the APA for the same reasons set forth in the rejection of claim 14.

Regarding claim 28, this claim has similar limitations as claim 14. Therefore, it is rejected under the APA for the same reasons set forth in the rejection of claim 14. A router server inherently configured in association with a peer group of nodes illustrated in figure 1 comprising an apparatus.

Regarding claim 29, this claim has similar limitations as claim 14. Therefore, it is rejected under the APA for the same reasons set forth in the rejection of claim 14.

Regarding claim 30, the switch at the source node A1 inherently includes a computer readable medium having a stored computer readable program code for performing the steps of claim 1.

Regarding claim 31, the switch at the source node A1 inherently includes a program storage device readable by a computer, embodying a computer program of instructions executable by the computer to perform the steps of claim 1.

***Allowable subject matter***

4. Claims 6-8, 10-12, 19-21, and 23-25 are objected to as being independent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Thursday from 7:30 am to 6:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2619

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

/Duc C Ho/

Primary Examiner, Art Unit 2619

05-10-08